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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,681	10/29/2003	Patrick T. Case	4988-1	9829
23442	7590	08/29/2008		
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			EXAMINER DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
			3611	
			MAIL DATE	DELIVERY MODE
			08/20/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/697,681

**Applicant(s)**

CASE, PATRICK T.

**Examiner**

Cassandra Davis

**Art Unit**

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9-13, 15-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-6, 12, 13, 15-17 and 19-25 is/are allowed.
- 6) ☐ Claim(s) 7, 9-11, 26, 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer, U. S. Patent 5,606,834.
2. Bauer teaches a panel for applying graphics image to a slat wall comprising a slat wall 11, a panel 10 for covering the slats of the wall, wherein each panel 10 has a top and bottom track or channel 29 and 30 adapted to receive graphic or photographic image panel 40. The image panel 40 is divided into a plurality of image strips 40A-40J. The strips can then be inserted sequentially into the tracks or channels 29 and 30 to show an overall image. See figures 8-11 and column 5, line 1-45.
3. The image panel 40 of Bauer corresponds to the message which is divided into a plurality of image strips 40A-40J. Each image strip contains a first semiotic element or image comprising a portion of the message, wherein the images on each strip are complementary to one another and wherein each image comprises graphic. The message is displayed when the image strips 40A-40J are placed within the tracks or channels in a predetermined order to show an overall image. The strips are arranged such that the first strip 40A is placed within a top channel wherein the top edge of the strip is held within the top channel 29 and the bottom edge is held within the bottom

channel 30. The top and bottom edges are hidden behind the upper and lower lip of the top and bottom channel.

4. Bauer does not teach the image strips having both graphic and textual indicia. However, since the applicant does not disclose that graphic and/or textual indicia solves any stated problem or is for any particular purpose and since the applicant does not disclose that the graphic and/or textual indicia has an unobvious functional relationship with the panel, it appears that any suitable indicia on the panels would perform equally well in conveying a desired message.

5. Claims 7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin, U. S. Patent 6,216,375 in view of Bauer, U. S. Patent 5,606,834.

6. Griffin teaches a display panel 1 having horizontal tracks that accept alphanumeric characters plates 23, wherein the plate 23 maybe transparent, translucent, or opaque. Griffin teaches the plates having an upper edge and a lower edge, wherein the edges are adapted to slide within upper and lower tracks. Figures 38 and 39 show the plates 173 extending over two tracks.

7. Figures 1 and 1A show the display panel having a plurality of plates 23 mounted side-by-side and on a plurality of rows to form an overall image. The first plate 23 having a "C" depicted thereon correspond to the first panel element having textual character and the horizontal adjacent panel 23 having an "O" depicted thereon correspond to the second panel element having textual character. Griffin also teaches a third panel having an "I" depicted thereon vertically adjacent the first and second panel. The top edges of the first and second panel are engaged in track 15 and the bottom

edge of first and second panel and the top edge of the third panel are engaged in track 17. It is inherent that the top and bottom edges of the panels that engage the tracks or not displayed to the viewer.

8. Bauer teaches a panel for applying graphics image to a slat wall comprising a slat wall 11, a panel 10 for covering the slats of the wall, wherein each panel 10 has a top and bottom track or channel 29 and 30 adapted to receive graphic or photographic image panel 40. The image panel 40 is divided into a plurality of image strips 40A-40J with strips 41 cut out and discarded. The height of the discarded strips 41 corresponds to the open dimension of the slot 13. This height and open dimension also corresponds to the distance between the bottom track or channel 30 and the adjacent track or channel 29. The image strips can then be inserted sequentially into the tracks or channels 29 and 30 to show an overall image. See figures 8-11 and column 5, line 1-45.

9. It would have been obvious to one having ordinary skill in the art the time this invention was made to construct the display panel taught by Griffin using the image elements/panels position adjacent one another as taught by Bauer to permit the joining of more than two sign/image portions so that an overall image can be configured. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the discarded cut out strips 41 of the image panels 40 taught by Bauer of a height corresponding to the height of the ledge 17 between the upper channel formed by lip 19 and the bottom channel formed by lip 21 so as to maintain continuity of the image strips are applied to the display panel.

10. With respect to claim 11, both Griffin and Bauer show the sign/image panel element having the height of one track.

***Allowable Subject Matter***

11. Claims 1-6, 12, 13, 15-17, 19-25 are allowed.

***Response to Arguments***

12. Applicant's arguments with respect to the rejection of claims 1-7, 9-13, 15-17 and 19-25 under 35 U.S.C. §103 as being unpatentable over Griffin in view of Mickey et al have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cassandra Davis/  
Primary Examiner  
Art Unit 3611